

ZONING AND ADJUSTMENT BOARD

October 3, 2005

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, October 3, 2005, at 6:30 P.M. with the following members present: Larry Story- Chairman, Ron Berry, James Sutton, Rusty Mask, Frank Szczepanski, Todd Brown Dossie Singleton, Marge Thies, and Evan Merritt. Richard Cole, Jr., Frank Topping and Dale Nichols were absent. Terry Neal- Zoning and Adjustment Board Attorney, Sandy Cassels- Board Secretary, and Roberta Rogers- Director of Planning and Development, were present.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Story presented the proof of publication.

Mr. Brown made a motion to approve the minutes from the September 19, 2005 meeting. Mr. Sutton seconded the motion and the motion carried.

R2005-0093

Gary & Caron Marriage

Mr. Berry made a motion to remove this application from the table. Mr. Merritt seconded the motion and the motion carried.

Gary Marriage, applicant, was present and requesting a rezoning on 12.7 acres MOL from A5 to RR1C. There were seven (7) notices sent. Of the seven notices sent, four (4) were returned in objection and none were returned in favor. There were questions from the audience. Mamie Mims and Jeff Davis questioned the number of acres and number of homes this rezoning would allow. Mrs. Rogers explained Mr. Marriage would be allowed one (1) dwelling unit per parcel and must transfer at least two (2) acres per lineal transfer. Mr. Marriage explained he wanted to transfer his mother two (2) acres and his son two (2) acres, which would leave himself and his wife four (4) acres. There would be one point eight (1.8) acres left that he would encompass into the parcel located to the west. Mr. Marriage also explained when his minor children are of age, he would like to lineal transfer the remaining four acres to them. Mrs. Rogers explained he would have to wait until they are of age to transfer this acreage to them. Mr. Marriage explained the other two point nine (2.9) acres that is being rezoned is a parcel that has an illegal zoning and he doesn't have any plans other than what it is being used for now with a building on it. Mrs. Mims and Mr. Davis asked again if Mr. Marriage would be allowed to have 12 mobile homes on this property making it a mobile home park. Mrs. Rogers explained again Mr. Marriage would only be allowed to have one (1) dwelling unit per parcel and the minimum parcel size he could create would be two (2) acres each for the lineal transfers. Mr. Marriage explained he would rerecord the deeds for this property with the provision conventional homes only would be allowed. Ms. Thies questioned Mr. Marriage deeding property to his minor children. Mrs. Rogers explained that was not allowed under the code. Mr. Marriage explained the property would stay in his and his wife's names until the children are of age.

Mr. Merritt made the motion to recommend approval of the rezoning from A5 to RR1C on 12.7 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Berry seconded the motion and the motion carried.

T2005-0041

Richard A. Glenn

Reida Glenn, representative for the applicant, was present and requesting a Temporary Use Permit for three (3) years for a care receiver's residence. There were six (6) notices sent. Of the six (6) notices sent, two (2) were returned in favor and none in objection. There were no objections from the audience. Mr. Story asked Mrs. Glenn who Mrs. Graves is that is referred to on the doctor's note. Mrs. Glenn explained Mrs. Graves is her sister who has heart problems and needs to live near her family.

Mr. Brown made the motion to recommend approval of the Temporary Use Permit for three (3) years based on the information provided in the staff report. Mr. Merritt seconded the motion and the motion carried.

R2005-0095

Charles L. Brown

Charles L. Brown, applicant, was present and requesting a rezoning on 9.5 acres MOL from M1 to R2C. There were eight (8) notices sent. Of the eight (8) notices sent none were returned in objection or in favor. There were no objections from the audience. Mr. Brown (board member) inquired about the plans for the property. Mr. Brown (applicant) explained he is going to give his sister 4.75 acres MOL to build a home and would like to keep 4.75 acres MOL for himself.

Mr. Berry made the motion to recommend approval of the rezoning from M1 to R2C on 9.5 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

R2005-0098

Thelma Harrison

Michael Carpenter, representative for the applicant, was present and requesting a rezoning on .77 acres MOL from C1 to CH. There were five (5) notices sent. Of the five (5) notices sent, two (2) were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Berry made the motion to recommend approval of the rezoning from C1 to CL on .77 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

R2005-0099

Entrust of Tampa Bay, LLC & David Bauldree

Ralph Tompkins, representative for the applicant, was present and requesting a rezoning of 24.4 acres MOL from R1MR & CR to RR5C. There were seven (7) notices sent. Of the seven (7) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Brown inquired about the plans for the property. Mr. Tompkins explained the applicants wanted to split the property into four (4) six (6) acre parcels and build 1800 sq ft homes of conventional construction.

Mr. Brown made the motion to recommend approval of the rezoning from R1MR & CR to RR5C on 24.4 acres MOL to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Berry seconded the motion and the motion carried.

CP-B2005-0001

Maricamp, LLC – Bellwether Landing

Mr. Berry made the motion to remove this application from the table. Mr. Sutton seconded the motion and the motion carried.

Steve Richey, representative for the applicant, explained the owners of this property would like this application to be tabled until the October 17, 2005 Zoning and Adjustment Board Meeting and the October 25, 2005 Board of County Commissioners meeting.

Mr. Brown made the motion to table this application until the October 17, 2005 ZAB meeting and the October 25, 2005 BOCC meeting. Mr. Nichols seconded the motion and the motion carried.

CP-B2005-0002

Acorn Investments – River Walk

Mr. Berry made the motion to remove this application from the table. Mr. Sutton seconded the motion and the motion carried.

Steve Richey, representative for the applicant, explained the owners of this property would like this application to be tabled until the October 17, 2005 Zoning and Adjustment Board Meeting and the October 25, 2005 Board of County Commissioners meeting.

Mr. Brown made the motion to table this application until the October 17, 2005 ZAB meeting and the October 25, 2005 BOCC meeting. Mr. Nichols seconded the motion and the motion carried.

C2005-0001

Gail Gregg & Jeannie Gregg Emack

Steve Richey - attorney, Roger Simms - attorney with Holland & Knight, Mark Stephens - Hydrologist, & Benny Collins – Florida Crushed Stone/Rinker employee, were present for the applicant and requesting a

Conditional Use permit for expansion of an existing mine. There were 36 notices sent. Of the 36 notices sent, one (1) was returned in favor and 15 were returned in objection. This application was originally scheduled to go to the Zoning & Adjustment Board in May 2005, but was rescheduled to allow the applicant time to prepare additional information.

Mrs. Neal, Zoning and Adjustment Board attorney, explained the applicant is allowed to talk to board members about their cases. Mrs. Neal asked if anyone had been contacted about the case. All the board members with the exception of Marge Thies said they had received letters. Mr. Sutton said he spoke with Mrs. Taylor, neighbor to the mine. When asked by Mrs. Neal if any of the board members had formed an opinion on the case as of yet all members of the board explained they had not.

Mr. Richey explained the mine owners revised plans on the mine expansion after town meetings with local residents, and after meetings with county staff. Mr. Simms discussed the key facts of the case. The mine will be operating three (3) new quarries and changed the setbacks on the West and South sides. On the south side (along Hwy 48) the new setbacks would be 700' and along the west side the setbacks would be 700'. The new setbacks add additional room for buffers. Buffers would run along the east, south, and west sides of the mine to meet with the north boundary and the existing mine. The buffer along this area would be 15' in height. This expansion would not increase traffic in this area as the mining operation would be moving from one location on the property to another. Mr. Brown had questions about the de-watering ditch. Mr. Stephens explained what doesn't go back into the aquifer will run down the ditches and back into the quarries. Mr. Brown questioned what would be done with the soil that is left after digging the ditches. Mr. Stephens explained some of the dirt will be used for the banks of the ditches and some will be used for the buffers. The dirt that is used for the buffers will have bushes and sod planted on it. Mr. Berry questioned how far from the property line anything would be constructed. Mr. Stephens explained a grassy berm would be constructed 100' from the property line and everything else would be constructed from that point on. Mr. Szczepanski questioned the amount of blasting. Mr. Collins explained there would be some blasting and they could make arrangements with the residents on the blasting. One of the arrangements would be calling the residents before blasting. They could also call after blasting. The new blasting would be approximately 2000' from where the current blasting is occurring and 820' from the nearest resident. Mr. Richey explained the nature of limerock limits some of the types of blasting that can take place. Mr. Brown asked who regulates the blasting. Mr. Richey said the State Fire Marshall regulates all blasting. Mr. Szczepanski and Mr. Berry questioned the number of blasts per month and the timing of blasts. Mr. Collins explained the blasts occur Monday thru Friday 7:00 am to 5:00 pm and normally only 4 (four) to 8 (eight) times a month. Mr. Berry questioned if the blasting gets changed because of the atmospheric conditions. Mr. Collins said this can happen. Mr. Sutton questioned the 9.3 acres of mitigation. Mr. Stephens explained this would be wetlands relocation. He also explained they will monitor wetlands, animals, etc. and will report to the Southwest Florida Water Management District. Mr. Story questioned the number of complaints filed where Florida Crushed Stone/Rinker fixed the problems the neighbors had. Mr. Collins explained in the last 20 years the complaints have been minimal, maybe 12 -15 complaints. One of the complaints was Mr. Zimmerman's father, who had a well go dry. His well was replaced. Mr. Collins explained Florida Crushed Stone/Rinker will have structural engineers go out to the residences to establish baselines of the structure now and when complaints come in they will have something to compare the new damage to the old. Mr. Merritt asked which way the water flows on the property. Mr. Stephens explained the water flows NE to SW on this property.

Questions from the audience - Mr. Zimmerman stated he has lived here for 18 – 20 years and has damage to his residence. He entered pictures of the residence into the record. He has repaired his home once but has new damage.

Mr. Megan has lived here for 15 years on CR 567. He had three basic questions: 1) Is there a community need for this expansion? The need is in the community for the jobs, but there are five (5) mines in the county and the employees could work at the other mines, so the need is not that great for this mine to expand. 2) Is there a health risk? 3) What are the adverse impacts on the community? Mr. Megan testified he believes the dust, noise, and vibrations from blasting are adverse impacts. Mr. Megan expressed his opinion that workers displaced if the mine is not approved could get jobs at other mines.

At 8:20 pm the board called for a 10 minute break.

At 8:30 pm the meeting continued with audience comments.

Mrs. Taylor who lives in the NE corner of the mine discussed the mines pattern of behavior regarding caring for the residences who are their neighbors. Mrs. Taylor discussed what she felt were failures to give adequate notice in obtaining State permits. She also felt the mine is not responsive to concerns for complaints by surrounding property owners concerning blasting, water use, and the overall effects of the mine operation. Louise Racine who lives on CR 567 was next to speak. She testified she believes that the mine is failing in its notice requirements by State agencies. She testified about items she believes are discrepancies between SWFWMD and FDEP permits.

Mr. Collins from Florida Crushed Stone/Rinker testified about steps the mine is taking to address some of the concerns raised by the adjoining property owners. He discussed permitting requirements and conditions of the State permits.

Mr. Brown asked Mr. Stephens about the soil depressions. Mr. Stephens explained the depressions are not related to drawdown, they can be caused by many different things such as: changes in the temperature, rainfall, etc. Mr. Berry questioned the blast standards. Mr. Stephens explained they are measured at ground level and are .5 inch per second. Mr. Sutton questioned if drawdown will allow salt water intrusion into the aquifer. Mr. Stephens explained this could happen. Mr. Stephens then explained the process for checking for sinkholes. A sinkhole survey will be conducted annually and has three methods of checking. The first method is comparing aerial photos, and will compare ones taken annually to older ones. Then check with the Florida Geometric Survey's and finally drive around to check any new sinkholes that have formed. They are two (2) recent sinkholes which are both on the mine property. The mine is checking them, but they appear to be related to older sinkholes.

Mr. Merritt made the motion to recommend approval of the expansion of the mine to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion. When the vote was taken there were six (6) votes in favor and three (3) votes against. The roll call vote was: Larry Story – aye, Ron Berry – aye, James Sutton – nay, Rusty Mask – aye, Frank Szczepanski – nay, Todd Brown – aye, Dossie Singleton – aye, Marge Thies – nay, Evan Merritt – aye. The motion carried.

Mr. Sutton made a motion to adjourn the meeting at 9:50 pm. Mr. Mask seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board